

SHB 2612 - H AMD 1086

By Representative Nealey

1 On page 6, beginning on line 7, after "**Sec. 5.**" strike the
2 remainder of section 5 and insert "In any action under this chapter,
3 the prevailing party is entitled to a recovery of costs, including an
4 award for reasonable attorneys' fees."

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EFFECT:

Strikes provisions that:

- allow the prevailing plaintiff, but not the prevailing defendant, to recover reasonable attorneys' fees and a fees multiplier and costs, including for work performed in ancillary proceedings;
- allow prevailing defendants to recover costs only if the action is frivolous, unreasonable, or without foundation;
- describe how a fees multiplier is determined;
- provide that a plaintiff is not first required to notify the political subdivision in advance of filing suit in order to recover attorneys' fees and costs; and
- deem the plaintiff to be the prevailing party when the political subdivision adopts a district-based election district after suit has been filed.

Replaces these provisions with a provision that allows the prevailing party to recover costs, including an award for reasonable attorneys' fees.

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